

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 1:24-cv-20755-DSL

AVR GROUP, LLC, TRIDENT ASSET
MANAGEMENT, INC., MICHAEL
DZIURGOT, individually and as the
representatives of a class of similarly
situated persons,

Plaintiffs,

v.

ALEBRIJE ENTERTAINMENT, LLC,
CRAIG COLE, MATTHEW COLE,
GUSTAVO MONTAUDON, and John
Does 1-10,

Defendants.

**DEFENDANTS ALEBRIJE ENTERTAINMENT, LLC, CRAIG COLE, MATTHEW
COLE AND GUSTAVO MONTAUDON JOINT NOTICE OF IMPASSE OF
SELECTION OF MEDIATOR AND MEDIATION DATE**

COMES NOW, served and named Defendants, Alebrije Entertainment, LLC, Craig Cole, Matthew Cole and Gustavo Montaudon (collectively “Defendants¹”) and pursuant to this Court’s Order Setting Jury Trial Schedule, Requiring Mediation, and Referring Certain Matters to Magistrate Judge [D.E. 58], the parties were to select a mediator, schedule mediation and jointly file a proposed Order scheduling mediation.

¹ None of the Defendants waive any Rule 12 defenses, including that this Court lacks personal jurisdiction, by filing this Joint Notice of Impasse, or by filing the Joint Scheduling Report.

In an effort to secure a mediator, mediation dates and comply with this Court's Order, the parties have exchanged multiple emails with multiple suggested proposed mediators.²

The parties have been unable to reach an agreement as to the selection of a mediator or the date and time of mediation.

Accordingly, Defendants Alebrije Entertainment, LLC, Craig Cole, Matthew Cole and Gustavo Montaudon have no other option but to file this Notice of Impasse.

Dated: June 12, 2024

Respectfully submitted,

/s/ Adam I. Skolnik

Adam I. Skolnik, Esq.
Florida Bar No.: 728081
Law Office of Adam I. Skolnik, P.A.
1761 West Hillsboro Boulevard, Suite 207
Deerfield Beach, Florida 33442
Telephone: 561.265.1120
Facsimile: 561.265.1828
askolnik@skolniklawpa.com
courts@skolniklawpa.com

Attorneys for Defendants Alebrije
Entertainment, LLC and Gustavo Montaudon

/s/ Michael J. Harwin

Michael J. Harwin, Esq.
Florida Bar No.: 1018578
Stearns Weaver Miller Weissler Alhadeff &
Sitterson, P.A.
200 East Las Olas Boulevard, Suite 2100
Fort Lauderdale, FL 33301
Telephone: 954-462-9512
mharwin@stearnsweaver.com
mhernandez@stearnsweaver.com

Attorneys for Defendant Matthew Cole

/s/ Francis D. Murray

Francis D. Murray (FBN: 108567)
Ryan K. Stumphauzer (FBN: 12176)
Amy M. Bowers (FBN: 105755)
Stumphauzer Kolaya Nadler & Sloman, PLLC
2 S. Biscayne Boulevard, Suite 1600
Miami, Florida 33131
Telephone: (305) 614-1400
fmurray@sknlaw.com
rstumphauzer@sknlaw.com
abowers@sknlaw.com

Attorneys for Defendant Craig Cole

/s/ Christopher R. Clark, Esq.

Christopher R. Clark, Esq.
Florida Bar No.: 1002388
Stearns Weaver Miller Weissler Alhadeff &
Sitterson, P.A.
106 East College Avenue, Suite 700
Tallahassee, FL 32301
Telephone: 850-329-4853
crclark@stearnsweaver.com
lrussell@stearnsweaver.com

² Defendants have suggested the use of Glenn J. Waldman, Esq.; Hon. Joan N. Feeney (Ret.) and Robert B. Davidson, Esq. of JAMS, all of which have been summarily dismissed by Plaintiff's counsel.

Plaintiff has suggested the use of Jeffrey Grubman, Esq., Bruce A. Friedman, Esq., Howard Tescher, Esq. and Hon. Sidney I. Schenkier (Ret.) on the basis their mediators have an existing "relationship with the Receiver and understand the complexities of a bar order deal."

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 12, 2024, the foregoing document was filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record registered to receive electronic Notices of Electronic Filing generated by CM/ECF.

/s/ Adam I. Skolnik
ADAM I. SKOLNIK